

17. Struck by Automobile

A 28-year-old member of a land surveying crew was killed when he was struck by a motor vehicle while he was standing on the shoulder of a public road. A crew of three employees including the victim was surveying the land adjacent to the road. They worked most of the day in the fields nearby, past a roadside market, and across the bridge over a nearby interstate. Finally, they worked their way back toward their starting point. The victim had been standing by the roadway near the market only a few minutes when a vehicle driven by a member of the public veered to the right from the traffic lane and onto the shoulder. The victim was holding a rod waiting for his co-workers to get the level set up; he may have had his back to the oncoming vehicle. The vehicle struck the victim, causing mortal injuries. Co-workers did not see the accident but heard a thud and turned to see the deceased on the hood of the vehicle.

TOSHA Citation(s) as Originally Issued

Citation 1

Item 1 T.C.A. 50-3-105(1)	The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that a spotter was not used as specified in the company safety manual to warn a worker that was surveying of the danger of oncoming vehicles; and employees were not protected from oncoming motorists by warning signs being positioned in advance of the work area.
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Where the victim was standing when struck